

ELLIOT ENOKI
United States Attorney
District of Hawaii

RECEIVED IN FILE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MICHAEL CHUN
Chief, Civil Division
R. MICHAEL BURKE
Assistant U.S. Attorneys
Room 6-100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850-6100
Telephone: (808) 541-2850

AUG 06 2001

at 12 o'clock and 25 min.
WALTER A.Y.H. CHINN, CLERK

Attorneys for Defendant
JOHANNES C. LINSCHOTEN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

STATE OF HAWAII,)	CRIMINAL NO. CR 01-00310/HG
)	(District Court, First
Plaintiff,)	Circuit, Honolulu
)	Division, Citation
vs.)	Nos. 034721A and 034722A)
)	
JOHANNES C. LINSCHOTEN,)	NOTICE OF REMOVAL OF
)	STATE ACTION; EXHIBIT "A";
Defendant.)	CERTIFICATE OF SERVICE
)	

NOTICE OF REMOVAL OF STATE ACTION

Comes now the United States of America, on behalf of a federal employee of the United States Government, Johannes C. Linschoten, by and through its undersigned attorneys, and sets forth the following facts on Mr. Linschoten's behalf in support of this Notice of Removal of State Action.

1. On June 26, 2001, two State Citations Numbers 034721A and 034722A, were issued by a State employee, badge ID No. 51030, to Johannes C. Linschoten. The citations charged said Linschoten failed to yield right of way to aircraft at taxiway, in alleged violation of Section 19-1584-24(o); and also charged

in alleged violation of Section 19-1584-24(o); and also charged with operating a vehicle on a ramp taxiway, in alleged violation of Section 19-1581-31-1(2).

2. A copy of the two (2) citations are attached hereto as Exhibit "A".

3. The above-named action is an action which may be removed to this court by the United States of America on behalf of federal employee Johannes C. Linschoten pursuant to the provisions of Title 28, United States Code, § 1442 in that at all times referred to in the citations, Johannes C. Linschoten was and is now employed as a United States Government employee of the United States Department of Transportation, Federal Aviation Administration, and at all times relevant herein, Mr. Linschoten was operating under color of that office.

4. At all times mentioned in the citations, Mr. Linschoten was acting solely under color of his office and in the performance of the duties of his office and within the course and scope of his employment. As such, he is entitled to all of the privileges and immunities that are offered to the United States or an agency or employee thereof from the state action which is the subject of the two state citations.

WHEREFORE, United States of America gives notice that the above-action now pending against Mr. Johannes C. Linschoten

in the District Court of the First Circuit, Honolulu Division,
State of Hawaii, is removed therefrom to this Court.

DATED: August 6, 2001, at Honolulu, Hawaii.

ELLIOT ENOKI
United States Attorney
District of Hawaii

By 
MICHAEL CHUN
Chief, Civil Division
R. MICHAEL BURKE
Assistant U.S. Attorney